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Patent

Docket No. 0026

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John Y. Chen)
Serial No.: 08/863,794)
Filed: 5/27/97
For: ELASTIC-CRYSTAL GEL

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EXAMINER:

H. LILLING

AUG 23 1999

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Commissioner of Patents and Trademarks
Washington, D.C. 20231
Attention: Group Director

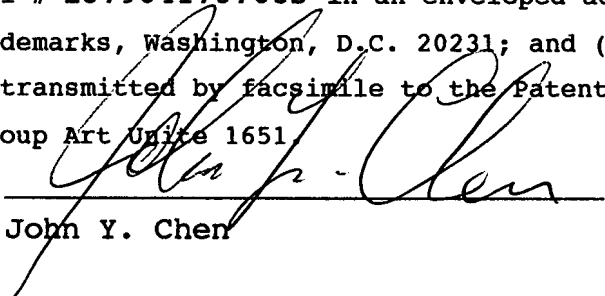
**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER
MAILING DATE OF FINAL ACTION OR NOTICE OF ALLOWANCE BUT BEFORE
PAYMENT OF ISSUE FEE (37 CFR 1.97(d))**

1. The information disclosure statement transmitted herewith is being filed after a notice of allowance, but before, the payment of the issue fee.
2. Certification as specified in 37 CFR 1.97(e) is below.
3. Applicant hereby petitions for the consideration of the accompanying information disclosure statement Form 1449 and corresponding Remarks below. 37 CFR 1.97(d)(ii).

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:
(1) deposited with the United States US Postal Service on the date indicated below with sufficient postage as Express Mail # **EJ790417370US** in an enveloped addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231; and (2) that a copy of this correspondence is also transmitted by facsimile to the Patent and Trademark Office No. (703) 305-7939 Group Art Unit 1651.

Date: August 12, 1999


John Y. Chen

4. Applicant submits the petition fee set forth in §1.17(i).
(attached fee due by check #3562 of \$130.00).

CERTIFICATION

5. I, the person signing below certify that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or to the knowledge of the person signing the certification after making reasonable inquiry, was known (with respect to its relevance as specified in the information disclosure statement and corresponding Remarks below) to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 CFR 1.97(e)(2).

6. The person making this certification is agent who signs below on the basis of the information in his file.

R E M A R K S

Patent documents K and L and sales literature M on Form 1449 were submitted for Examiner's review in Applicant's Supplemental Amendment of July 14, 1999. Applicant became aware of these documents and their possible relevance after Applicant's response of June 14, 1999. Documents K and L. These do not appear to be directed to a crystal gel or a crystal gel composites. Document M appear to have a date of March 1999 which is after Applicant's effective filing date.

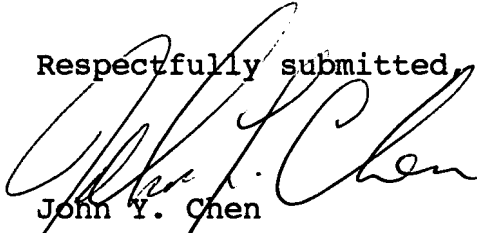
Document N is a product information publication sheet from the Internet which was downloaded on 8/10/99, entitled: ALPS South Corporation -Gel Liners: NEW! Easy Liner ELPX, ELDT and ELFR. This document appear to show a date much later than Applicant's effective filing date.

Document FU was submitted in Applicant's response of June 14, 1999 on Form 1449. The same document is part of cumulative documents filed on

August 8, 1996 in the parent case USSN 08/719,817. Hard copies of all the documents are in file 08/719,817 with Examiner Peter Szekely of Art Unit 1511. With respect to page 7 of the FU document of the Silipos product catalogue which shows a Single Sock Gel Liner product #1272, Applicant has recently discovered dates which this and other same but different sized products (#1275 and #1276) were on Public sale. Applicant's statement is based on information and belief that Products #1272 was offered for public sale and sold to the public on or about 1/31/95, #1275 was on public sale on or about 1/31/95, and #1276 was on public sale on or about 12/31/94. The Single Sock Gel Liner is a tube sock-shaped covering for enclosing an amputation stump with a open end for introduction of the stump and a closed end opposite the open end. The liner is a fabric in the shape of a tube sock coated on only one side with a gel made from a block copolymer and oil. The gel liners products #1272, #1275, and #1276 were on public sale as of the above mentioned dates which products were coated with a block copolymer gel described in Applicant's United States Patents Nos.: 4,369,284 and 4,618,213.

Should Examiner have any questions regarding this response, Applicant can be reached at (650) 827-1388.

Respectfully submitted,



John Y. Chen

Agent for Applicant

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August 12, 1999